

AKERMAN SENTERFITT LLP

400 SOUTH FOURTH STREET, SUITE 450
LAS VEGAS, NEVADA 89101
TEL.: (702) 634-5000 – FAX: (702) 380-8572

ORDER

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*Attorneys for Defendant
Bank of America, N.A. successor
by merger to BAC Home Loans
Servicing LP improperly named
as Bank of America*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GERALD B. NETZKY, and DIANA NETZKY,
Husband and Wife,

Plaintiffs,

v.

BANK OF AMERICA, a Delaware Corporation;
MTC FINANCIAL, INC., a California
Corporation d/b/a TRUSTEE CORPS, a
California Corporation,

Defendants..

Case No.: 2:11-cv-00128-PMP-LRL

ORDER CANCELING LIS PENDENS

Defendant requests that the Lis Pendens currently recorded against the subject property by Plaintiff Gerald Netzky ("Plaintiff") be canceled.

The Court finds that Plaintiff recorded a Notice of Pendency of Action ("Lis Pendens") on or about December 27, 2010, as Instrument No. 20102270003691 in the real property records maintained by the Clark County Recorder. A copy of the Lis Pendens is attached hereto as **Exhibit A** and fully incorporated by reference.

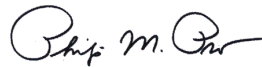
1 UPON CONSIDERATION of Defendant's request to cancel the Lis Pendens, and good cause
2 appearing therefore, the Court hereby grants Defendant their requested relief and rules as follows:

3 1. IT IS ORDERED, ADJUDGED and DECREED that the Lis Pendens is hereby
4 cancelled, released and expunged.

5 2. IT IS FURTHER ORDERED, ADJUDGED and DECREED that this Order canceling
6 the Lis Pendens has the same effect as an expungement of the original Lis Pendens.

7 3. IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendant records a
8 properly certified copy of this cancellation Order in the real property records of Clark County,
9 Nevada within a reasonable amount of time from the date of this Order's issue.

10 DATED this _ 8th day of September, 2011.

11
12 

13 _____
14 DISTRICT COURT JUDGE

15
16 Submitted by:

17 **AKERMAN SENTERFITT LLP**

18 /s/ Diana S. Erb
19 ARIEL E. STERN, ESQ.
20 Nevada Bar No. 8276
21 DIANA S. ERB, ESQ.
22 Nevada Bar No. 10580
23 AKERMAN SENTERFITT LLP
24 400 South Fourth Street, Suite 450
25 Las Vegas, Nevada 89101

26 *Attorneys for Defendant*
27 *Bank of America, N.A. successor*
28 *by merger to BAC Home Loans*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 2011 and pursuant to NRCP 5(b), I deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **PROPOSED ORDER CANCELING LIS PENDENS**, postage prepaid and addressed to:

Gerald Netzky
Dianna Netzky
10361 Early Morning Avenue
Las Vegas, NV 89135

Plaintiffs in Pro Se

/s/ Debbie Julien
An employee of AKERMAN SENTERFITT LLP

AKERMAN SENTERFITT LLP

400 SOUTH FOURTH STREET, SUITE 450
LAS VEGAS, NEVADA 89101
TEL.: (702) 634-5000 – FAX: (702) 380-8572

EXHIBIT A

EXHIBIT A

(7)

Inst #: 201012270003691
Fees: \$16.00
N/C Fee: \$0.00
12/27/2010 03:11:12 PM
Receipt #: 624086
Requestor:
GERALD NETZKY
Recorded By: MGM Pgs: 3
DEBBIE CONWAY
CLARK COUNTY RECORDER

RECORDING COVER PAGE

Must be typed or printed clearly in black ink only.

APN# 164-13-511-031
11 digit Assessor's Parcel Number may be obtained at:
<http://redrock.co.clark.nv.us/assrrealprop/owner.aspx>

TITLE OF DOCUMENT (DO NOT Abbreviate)

NOTICE OF LIS PENDENS

Title of the Document on cover page must be EXACTLY as it appears on the first page of the document to be recorded.

Recording requested by:

G. Netzky

Return to:

Name Gerald Netzky
Address 10361 Early Morning Ave
City/State/Zip Las Vegas, NV 89135

This page provides additional information required by NRS 111.312 Sections 1-2.

An additional recording fee of \$1.00 will apply.

To print this document properly—do not use page scaling.

P:\Recorder\Forms 12_2010

FILED

DEC 27 2 57 PM '10

CLEAR

1 **NOTC**

2 Gerald B. Netzky
3 10361 Early Morning Avenue
4 Las Vegas, Nevada 89135

5 Dianna Netzky
6 10361 Early Morning Avenue
7 Las Vegas, Nevada 89135

8 **IN PROPER PLAINTIFFS**

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 **GERALD B. NETZKY, and**
12 **DIANNA NETZKY,**
13 **Husband and Wife,**

14 **Plaintiffs,**

15 **v.**

16 **BANK OF AMERICA, a Delaware**
17 **Corporation; MTC FINANCIAL INC.**
18 **a California Corporation,**
19 **d/b/a TRUSTEE CORPS, a California**
20 **Corporation.**

21 **Defendants.**

Case No.: *A-10-6262-C*

Dept. No: *IV*

NOTICE OF LIS PENDENS

{APN 164-13-511-031}

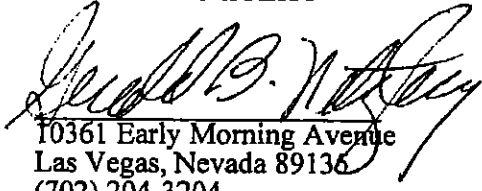
22 NOTICE IS HEREBY GIVEN that an action has been commenced in the Eighth Judicial
23 District Court in and for Clark County, Nevada, by Plaintiffs GERALD and DIANNA NETZKY
24 against Defendants BANK OF AMERICA and MTC FINANCIAL INC., seeking to settle title to
25 property commonly known as: 10361 Early Morning Avenue, Las Vegas, Nevada 89135, having an
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1 Assessor's Parcel Number of APN 164-13-511-031, and more particularly described as follows:

2 Block 1, Lot 31, of Ivy Glen at Summerlin-Unit I
3 as recorded in Page of Plat Book 94, in the records
4 of the Clark County Recorder.

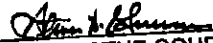
5 DATED: December 7, 2010.

6 GERALD B. NETZKY

7 
8 10361 Early Morning Avenue
9 Las Vegas, Nevada 89136
10 (702) 204-3204

11 Plaintiff in Proper Person
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2
CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

DEC 27 2010